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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,400	07/02/2003	Daniel Putterman	MACV.P0010	2585
23349	7590	01/02/2008	EXAMINER	
Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			ZHAO, DAQUAN	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			01/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/613,400		PUTTERMAN ET AL.	
	Examiner		Art Unit	
	Daquan Zhao		2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/1/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/2/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/1/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. Claims 1, 2, 3, 5, 7, 8, 10, 11, 16, 17, 18, 20, 22, 23, 25, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7,089,321 B2) , in view of Hooper et al (US 5,414,455) and further in view of Duhault et al (US 6,118,493).

Regarding claim 1, Hayashi teaches a method for aggregating television programming in a personal video recording ("PVR") system, said method comprising the steps of:

- receiving a plurality of television signals (e.g. column 6, line 49- column 7, line 53, broadcast programs multiplexed in the digital satellite broadcast signal);
- tuning each of said television signals in one of a plurality of tuners (e.g. figure 2, tuner 11A and 11B, column 8, lines 36-55);
- buffering said television signals on a storage medium in at least one PVR media server (e.g. figure 2, hard disk 150, column 7, line 55- column 8, line 35);
- coupling a plurality of clients, over a network comprising one or more PVR media servers, to said first PVR media server (e.g. figure 1, client device 1 and 2 are coupling to the server device 1);
- generating a request from a requesting client for a list of television programming from each of said PVR media servers on said home-based network (e.g. column 27, lines 30-54 and column 6, line 54);
- receiving, from each PVR media server, a list of television programming available through each of said respective PVR media servers (e.g. column 27, lines 30-54), each PVR media server configured for presenting prerecorded content (e.g. column 26, lines 13-51); and
- aggregating, at said requesting client, a list of content available within said PVR system (e.g. column 27, lines 30-54); the list comprising the prerecorded content available for presentation at the requesting client

via each PVR media server within the home-based network(e.g.

column 26, lines 13-51);

- presenting the aggregated list of content by using the requesting client (e.g. column 27, lines 54-64, user must have selected the recorded program from the list).

However, Hayashi fails to teach the PVR media server maintaining a write position for the buffering and a plurality of locations within the PVR system. Hooper et al teach the PVR media server maintaining a write position for the buffering (e.g. column 12, lines 20-54) and a plurality of locations within the PVR system (e.g. "locations" of the cache memory block 300 corresponds to the plurality of locations within the PVR system). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hooper et al into the teaching of Hayashi to delivering videos without substantial incremental costs (Hooper et al, column 1, lines 60-67).

Hayashi and Hooper et al fail to teach the list comprising the live broadcast content. Duhault et al teach the list comprising the live broadcast content (e.g. figure 2, and column 2, lines 10-32). It would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporated the teaching of Duhault et al into the teaching of Hayashi and Hooper et al to increase the sources of information for user to preview and customize to meet his/her personal needs (Duhault et al, column 1, lines 50-54).

Claims 16 and 31 are rejected for the same reasons as discussed in claim 1 above.

Regarding claims 2 and 17, Hayashi teaches transmitting buffered television signals from said PVR media server to said clients, so as to display television programs of said television signals at said clients (e.g. column 7, lines 15-20);

Regarding claims 3 and 18, Hayashi teaches discovering PVR media servers on said network (e.g. column 18, line 50 – lines 67).

Regarding claims 5 and 20, Hayashi teaches at least one PVR media server comprising a plurality of television tuners (e.g. figure 2, server with tuner 11A and 11B).

Regarding claims 7 and 22, Hayashi teaches live television (e.g. column 6, lines 64-67, satellite)

Regarding claims 8 and 23, Hayashi teaches television programming previously stored on said storage medium (column 8, lines 4-12).

Regarding claims 10 and 25, Hayashi teaches aggregating a list of television programming by channel (e.g. figure 16, column 6, lines 20-24, channels 5, 8 and 7, also see column 27, table in EEPROM 104).

Regarding claims 11 and 26, Hayashi teaches aggregating a list of television programming by time slots (e.g. figure 16, column 6, lines 20-24, start time and end time, also see column 27, table in EEPROM 104).

4. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7,089,321), Hooper et al (US 5,414,455) and Duhault et al (US 6,118,493) as applied to claims 1, 2, 3, 5, 7, 8, 10, 11, 16, 17, 18, 20, 22, 23, 25, 26 and 31 above.

See the teaching of Hayashi, Hooper et al and Duhault et al above.

Regarding claims 4 and 19, Hayashi does not specify a plurality of PVR media servers. It is noted that plurality of servers in the system is well known in the art. The examiner takes official notice for plurality of servers. It would have been obvious for one ordinary skill in the art at the time the invention was made to have used plurality of servers in the system to increase processing speed.

5. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7,089,321), Hooper et al (US 5,414,455) and Duhault et al (US 6,118,493) as applied to claims 1, 2, 3, 5, 7, 8, 10, 11, 16, 17, 18, 20, 22, 23, 25, 26 and 31 above.

See the teaching of Hayashi, Hooper et al, Duhault et al above.

Regarding claims 6 and 21, Hayashi, Hooper et al, Duhault et al fail to specify plurality of television service providers. The examiner takes official notice of plurality of television service providers since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to have record television programs from plurality of service providers to reduce the time for the user to wait for the requested television program from difference service providers.

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6. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7,089,321), Hooper et al (US 5,414,455) and Duhault et al (US 6,118,493) as applied to claims 1, 2, 3, 5, 7, 8, 10, 11, 16, 17, 18, 20, 22, 23, 25, 26 and 31 above and further in view of Kagle et al (US 2003/0,154,493 A1).

See the teaching of Hayashi, Hooper et al, Duhault et al above.

Regarding claims 9 and 24, Hayashi, Hooper et al, Duhault et al fail to specify determining whether television programming is unique from other television programming. Kagle et al teach determining whether television programming is unique from other television programming (e.g. paragraph [0012]). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kagle et al into the teaching of Hayashi, Hooper et al, Duhault et al to eliminate redundant recording to use storage efficiently (Kagle et al, paragraph [0012]).

7. Claims 12, 13, 14, 15, 27, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 7,089,321), Hooper et al (US 5,414,455) and Duhault et al (US 6,118,493) as applied to claims 1, 2, 3, 5, 7, 8, 10, 11, 16, 17, 18, 20, 22, 23, 25, 26 and 31 above and further in view of Schein et al (US 6,002,394).

See the teaching of Hayashi, Hooper et al, Duhault et al above.

Regarding claims 12 and 27, Hayashi, Hooper et al, Duhault et al fail to specify aggregating a list of television programming by television shows. Schein et al teach aggregating a list of television programming by television shows (e.g. column 19, lines 20-40). It would have been obvious for one ordinary skill in the art at the time the

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invention was made to incorporate the teaching of Schein et al into the teaching of Hayashi, Hooper et al, Duhault et al for the user to promptly search his/her favorite television programs.

Regarding claims 13 and 28, Schein et al teach aggregating a list of television programming by television by genre (e.g. column 19, lines 20-40).

Regarding claims 14 and 29, Schein et al teach aggregating a list of television programming by television show episodes (e.g. column 19, lines 20-40).

Regarding claims 15 and 30, Schein et al teach aggregating a list of television programming by actors appearing in television shows (e.g. column 19, lines 20-40).

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams, Jr (US 6,195,797 B1); Rowe et al (US 5,812,123); Ellis et al (US 2005/0028208 A1); Vaughan et al (US 5,926,207).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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